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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 JOHN E. BARNHOUSE,

10 Plaintiff,

11 v.

12 HAROLD CLARKE, *et al.*,

13 Defendants.

No. C09-5527 RBL/KLS

ORDER DENYING MOTION TO STAY
AND GRANTING EXTENSION OF TIME
TO FILE RESPONSE TO MOTION TO
DISMISS

14 Before the court is Plaintiff's Motion to Stay All Proceedings. Dkt. 58. Mr. Barnhouse
15 requests the stay because he states that he has filed an appeal, a motion to recuse, and that he will
16 be unable to respond to any filings until after March 31, 2010, when he will be released from
17 prison and will regain access to legal files that week. *Id.* There is no basis for staying this action
18 pending the filing of an interlocutory appeal. In addition, Plaintiff's motion to recuse the
19 undersigned has been denied. However, Defendants have recently filed a motion to dismiss and
20 that motion is presently noted for consideration on March 26, 2010. Dkt. 61. Therefore, an
21 extension of time for the filing of Plaintiff's response to this motion shall be granted.
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23 Accordingly, Plaintiff's Motion to Stay All Proceedings (Dkt. 58) is **DENIED**. It is
24 further **ORDERED** that Plaintiff shall be granted an extension of time within which to respond
25 to Defendants' motion to dismiss (Dkt. 61) until **April 26, 2010**. The Clerk shall **re-note** the
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1 motion to dismiss (Dkt. 61) for **April 30, 2010** and send copies of this Order to Plaintiff and
2 counsel for Defendants.

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4 DATED this 8th day of March, 2010.

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8 Karen L. Strombom
9 United States Magistrate Judge
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